

## **WIOA Title I-B Dislocated Worker Program**

### **Subject: Transitioning Service Members and Unemployment Insurance Eligibility**

**Date: December 27, 2017**

#### **Question:**

For transitioning service members, it seems that we cannot enroll separating service members with an imminent discharge date as Dislocated Workers since there will be no way to prove their eligibility for UI, i.e., UCX, since all the eligibility activities take place after discharge. Is the correct?

#### **Response:**

20 CFR 680.660, service members exiting the military, including but not limited to those who receive or are eligible for Unemployment Compensation for Ex-Service Members, (UCX), generally qualify as Dislocated Workers.

LWDA may provide career services to separating service members while the service member is on active duty and the service member has an imminent separation date. Separating service members must have a notice of separation from the military; either a DD-214 from the Department of Defense, or other appropriate documentation that shows an imminent separation from the Armed Forces to qualify as Dislocated Workers. The reason for separation must not be retirement or dishonorable discharge.

The separating service member may be enrolled in the WIOA Title I-B Adult Program, and when they have the appropriate documentation, they can be reevaluated for the Dislocated Worker Program.

### **Subject: Unemployment Compensation for Ex-Service Members**

**Date: December 26, 2017**

#### **Question:**

For a separating service member with an imminent date of separation, what data or information source can be used to determine eligibility for UI? Based on examples I've been provided, the GUIDE will not have listed any information about monetary eligibility because it is federal employment. In addition, many of the separating service members are not Arizona natives, thus their UCX would be paid from another state.

#### **Response:**

For UCX claims, an ex-service member's wages are assigned to the state in which he or she files a claim after leaving the service. The claim may not be filed until after the

ex-service member leaves service. The ex-service member must provide a copy of their DD-214, member 4 copy showing the beginning and ending dates of the period of military service and days lost during such period, the type of discharge or release terminating the period of military service and pay grade. The paying state then requests the wages from the military. If the wages are not assigned and the claimant disagrees with a determination, the claimant must file an appeal with the Branch of service within the 15 days Arizona appeal period, if the claimant filed the claim in Arizona.

**Subject: Code 21 in GUIDE**

**Date: December 21, 2017**

**Question:**

For the definition of dislocated worker category I, may Code 21 (Military Discharge) in guide be used document eligibility for Unemployment Insurance or attachment to the workforce?

**Response:**

No, Code 21 in GUIDE must not be used as proof of eligibility for Unemployment Insurance (UI) or attachment to the workforce. Code 21 only means discharged from the military. If the military sends the wages to Arizona, the claimant would be monetarily eligible. UI then adjudicates any issues, i.e. retirement pension and ability to work. If it was a full retirement, then the monthly retirement is divided by 4.333 and it is usually more than the UI weekly benefit amount of \$240.00. UI does not deduct disability.

**Subject: Documentation of Attachment to the Workforce**

**Date: December 21, 2017**

**Question:**

For the definition of dislocated worker category I, how does the LWDA determine if the individual is "attached to the workforce"?

**Response:**

If the individual was employed by an employer not covered by the state unemployment compensation system, or had performed services for an employer that was not covered under state unemployment compensation law (A.R.S. 23-615), then the duration of employment sufficient to determine attachment to the workforce would be determined on a case-by-case basis by the LWDA.

**Subject: Income Eligibility Determination for Active Duty Service Members**

**Date: October 10, 2017**

**Question:**

Do we count income for an active duty service member who is not transitioning out of service?

**Response:**

WIOA Title I-B Dislocated Worker Program: No, there is no income eligibility requirements for the WIOA Title I-B Dislocated Worker Program. The Active Duty service member will need to meet the eligibility requirements listed in the WIOA Title I-B Adult and Dislocated Worker Programs Policy. Military earnings are not included in determining self-sufficiency for eligibility for training services, see WIOA Title I-B Training Services policy section 502.01

**Subject: Income Eligibility Determination for Active Duty Service Members Who Are Separating From the Military (Not Retiring)**

**Date: October 10, 2017**

**Question:**

For those active duty service members who will be separating (not retiring), would they qualify under DW prior to separation?

**Response:**

Yes, if a separating service member meets the eligibility requirements as a dislocated worker, as stated in the WIOA Title I-B Adult and Dislocated Worker Programs policy Section 103.02, he or she may receive services under the WIOA Title I-B Dislocated Worker program prior to release from active military service.

**Subject: Category IV Dislocated Worker**

**Date: June 30, 2016**

**Question:**

Applicant relocated to Yuma, AZ from Glassboro, NJ a week ago because her husband is stationed here (spouse is military). Her last day of employment was May 31, 2016 to relocate with husband. She states her husband was stationed in Yuma prior to being married in March 2016; he has been stationed in Yuma for a year. She meets the criteria as unlikely to return to her occupation. Please advise.

**Response:**

WIOA Title I-B Dislocated Worker Program Eligibility is defined in [the WIOA Title I-B Adult and Dislocated Worker Policy](#), Section 103.02 (D). The applicant meets the requirements for Category IV.

**Subject: Last Employment at a Temporary Employment Agency and Eligibility for the WIOA Title I-B Dislocated Worker Program**

**Date: June 9, 2016**

**Question:**

Are individuals who were “employed” by temporary employment agencies, and then relieved of their assignments eligible for the Dislocated Worker Program? We had an individual who exited from the Adult Program, went to work for a local employer via a temporary agency, and then his assignment ended. Would he qualify for the Dislocated Worker Program?

**Response:**

The [WIOA Adult and Dislocated Worker policy](#) does not preclude individuals who have last worked for a temporary agency from qualifying as a dislocated worker. However, the individual will have to meet all of the WIOA Dislocated Worker Eligibility requirements in Section 103.02(A) for Category I. The individual’s layoff, and the unlikelihood that the individual will return to a previous industry or occupation, also need to be documented as specified on the WIOA Title I-B Eligibility Checklist for Dislocated Worker Category I.

**Subject: Definition of Underemployed and Interim Employment**

**Date: June 9, 2016**

**Question:**

Are we still under the 80% of their wages at the date of dislocation threshold in determining if a client was let go under no fault status and the client obtains a stop-gap job? Or, is it if they were dislocated in the past, we can still consider them dislocated if they have had a stop-gap type job?

**Response:**

Yes, a person is considered underemployed if they are employed either full or part-time and their current annualized wage rate does not exceed the highest of either:

- 80% of their wages at the date of the dislocation; or
- The individual’s earned wages are at or below the self-sufficiency threshold established by the LWDA.

Interim or temporary employment is defined as employment that is accepted by the individual for the purpose of transitory income prior to and/or during participation in individualized career services or training services with the intention of ending such employment at the completion of the individualized career services or training services. Interim employment may not exceed the higher of either:

- 80% of their wages at the date of the dislocation; or
- The self-sufficiency threshold established by the LWDA.

**Subject: Reemployment Services and Eligibility Assessment (RESEA) program as an Automatic Qualifier for the Dislocated Worker Program**

**Date: April 28, 2016**

**Question:**

Can the RESEA Program be used as an automatic qualifier for Dislocated Worker Program?

**Response:**

RESEA Program eligibility is not an automatic qualifier for Dislocated Worker enrollment. Unemployment Insurance claimants are selected to participate in the RESEA Program utilizing a statistical model developed by the U.S. Department of Labor that identifies claimants most likely to exhaust their benefits based on education, job tenure, industry previously worked in, occupation, and state unemployment rate. Dislocated worker status *is not* a determinant for a person selected for the RESEA Program.

**Subject: Recall Notice and the Dislocated Worker Program**

**Date: April 28, 2016**

**Question:**

If an employer's layoff letter includes recall information, can the individual be enrolled in the WIOA Title I-B Dislocated Worker Program?

**Response:**

It depends. Per WIOA Title I-B Adult and Dislocated Worker Policy Section 100.02(A)(3), to be eligible to for the Dislocated Worker Program the individual must be unlikely to return to the previous industry or occupation. A termination is a permanent situation. If an employer's letter includes the employer's intent to recall the individual, the layoff would be considered temporary, the individual would be considered likely to return to the previous industry or occupation, and as such the individual would generally not be eligible for the Dislocated Worker Program.

However, if the layoff notice includes a layoff period of 26 or more weeks, the individual is then considered terminated for purposes of eligibility.